
Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Health and Social Care Act 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 3

LICENSING

Licence conditions

PROSPECTIVE

95 Special conditions

- (1) Monitor may—
 - (a) with the consent of the applicant, include a special condition in a licence under this Chapter, and
 - (b) with the consent of the licence holder, modify a special condition of a licence.
- (2) Before including a special condition or making such modifications Monitor must give notice to—
 - (a) the applicant or the licence holder (as the case may be),
 - (b) the Secretary of State,
 - (c) the National Health Service Commissioning Board,
 - (d) such clinical commissioning groups as are likely to be affected by the proposed inclusion or modifications, and
 - (e) the Care Quality Commission and its Healthwatch England committee.
- (3) Monitor must also publish the notice under subsection (2).

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- (4) The notice under subsection (2) must—
 - (a) state that Monitor proposes to include the special condition or make the modifications and set out its or their proposed effect,
 - (b) set out Monitor's reasons for the proposal, and
 - (c) specify the period (“the notice period”) within which representations with respect to the proposal may be made to Monitor.
- (5) The notice period must be not less than 28 days beginning with the day after that on which the notice is published under subsection (3).
- (6) In this section, a reference to modifying a condition includes a reference to amending, omitting or adding a condition.

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- s. 95 coming into force by [S.I. 2012/2657 art. 2\(2\)](#)
- s. 95(1)(a)(2)-(5) coming into force by [S.I. 2013/671 art. 2\(3\)](#)
- s. 95(1)(b)(6) coming into force by [S.I. 2013/671 art. 2\(4\)](#)
- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1A inserted by [2015 c. 28 s. 2](#)
- s. 58(6)(c) inserted by [2013 c. 32 Sch. 12 para. 103](#)
- s. 73(3A) inserted by [S.I. 2014/892 Sch. 1 para. 189\(5\)](#)
- s. 80(3) inserted by [S.I. 2014/892 Sch. 1 para. 192\(3\)](#)
- s. 101(4A) inserted by [2013 c. 24 Sch. 6 para. 128\(4\)](#)
- s. 105(3A) (3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A) (3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 111(2A) inserted by [2014 c. 23 s. 83\(2\)](#)
- s. 120(5A) inserted by [2013 c. 24 Sch. 6 para. 131\(4\)](#)
- s. 142(4A) inserted by [2013 c. 24 Sch. 6 para. 135\(3\)](#)
- s. 251A(7)(a) words substituted by [2018 c. 12 Sch. 19 para. 173\(2\)](#)
- s. 251A(9) inserted by [2018 c. 12 Sch. 19 para. 173\(3\)](#)
- s. 251B inserted by [2015 c. 28 s. 3](#)
- s. 251B(5)(a) words substituted by [2018 c. 12 Sch. 19 para. 174\(2\)](#)
- s. 251B(7) inserted by [2018 c. 12 Sch. 19 para. 174\(3\)](#)
- s. 251C inserted by [2015 c. 28 s. 4](#)
- s. 251C modified (temp.) by [S.I. 2015/1438 reg. 4](#)
- s. 253(1)(ca) inserted by [2014 c. 23 s. 122\(2\)](#)
- s. 261(1A) inserted by [2014 c. 23 s. 122\(3\)](#)
- s. 262A inserted by [2014 c. 23 s. 122\(4\)](#)
- s. 290(3)(ca) inserted by [2014 c. 23 Sch. 5 para. 15\(3\)](#)
- Sch. 8 para. 11(2A) inserted by [2013 c. 24 Sch. 15 para. 49](#)
- Sch. 10 para. 10(2A) inserted by [S.I. 2014/892 Sch. 1 para. 195\(4\)](#)
- Sch. 10 para. 10(3)(aa) inserted by [S.I. 2014/892 Sch. 1 para. 195\(5\)](#)
- Sch. 14 para. 16(1) Sch. 14 para. 16 renumbered as Sch. 14 para. 16(1) by [2014 c. 23 s. 120\(18\)\(e\)](#)
- Sch. 14 para. 24(2A) inserted by [2014 c. 23 s. 84\(8\)](#)
- Sch. 14 para. 4A 4B inserted by [2014 c. 23 s. 120\(18\)\(a\)](#)
- Sch. 14 para. 15(8) inserted by [2014 c. 23 s. 120\(18\)\(d\)](#)
- Sch. 14 para. 16(2)-(4) inserted by [2014 c. 23 s. 120\(18\)\(e\)](#)
- Sch. 14 para. 17(4A) inserted by [2014 c. 23 s. 120\(18\)\(g\)](#)
- Sch. 14 para. 24(2A) inserted by [2014 c. 23 s. 120\(18\)\(h\)](#)
- Sch. 14 para. 24A inserted by [2014 c. 23 s. 120\(18\)\(i\)](#)
- Sch. 14 para. 35(e) and word inserted by [2014 c. 23 s. 120\(18\)\(j\)](#)